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FILED

JUL 17 2008

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

THOMAS, JAMES EDWARD
Plaintiff,

vs.

WALKER, J. - WARDEN OF CSP SAC/KOL
Defendant.

CASE NO. CV-08-01778-SBA (PR)

**PRISONER'S
APPLICATION TO PROCEED
IN FORMA PAUPERIS**

I, James Edward Thomas, declare, under penalty of perjury that I am the plaintiff in the above entitled case and that the information I offer throughout this application is true and correct. I offer this application in support of my request to proceed without being required to prepay the full amount of fees, costs or give security. I state that because of my poverty I am unable to pay the costs of this action or give security, and that I believe that I am entitled to relief.

In support of this application, I provide the following information:

1. Are you presently employed? Yes ___ No X

If your answer is "yes," state both your gross and net salary or wages per month, and give the name and address of your employer:

Gross: N/A Net: N/A
Employer: N/A

If the answer is "no," state the date of last employment and the amount of the gross and net salary

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1 and wages per month which you received. (If you are imprisoned, specify the last place of
2 employment prior to imprisonment.)

3 Def. Has Not Worked Since (2006) For Only (19) DYS - At Medical Onc
4 Promotional Agency, 41 N. Second St, Sec 7, Sec 2, C.L. 85112
5 _____

6 2. Have you received, within the past twelve (12) months, any money from any of the following
7 sources:

- 8 a. Business, Profession or Yes ____ No X
9 self employment
- 10 b. Income from stocks, bonds, Yes ____ No X
11 or royalties?
- 12 c. Rent payments? Yes ____ No X
- 13 d. Pensions, annuities, or Yes ____ No X
14 life insurance payments?
- 15 e. Federal or State welfare payments, Yes ____ No X
16 Social Security or other govern- ST. IMPRISON MONEY SINCE (2005)
17 ment source?

18 If the answer is "yes" to any of the above, describe each source of money and state the amount
19 received from each.

20 N/A. / / / / /
21 _____

22 3. Are you married? Yes ____ No X

23 Spouse's Full Name: N/A. / / / / /

24 Spouse's Place of Employment: N/A. / / / / /

25 Spouse's Monthly Salary, Wages or Income:

26 Gross \$ N/A. / / / / Net \$ N/A. / / / /

27 4. a. List amount you contribute to your spouse's support: \$ None / N/A.

28 b. List the persons other than your spouse who are dependent upon you for support

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1 and indicate how much you contribute toward their support. (NOTE: For minor
2 children, list only their initials and ages. DO NOT INCLUDE THEIR NAMES.).

3 N/A.
4

5 5. Do you own or are you buying a home? Yes ___ No X

6 Estimated Market Value: \$ N/A. Amount of Mortgage: \$ N/A.

7 6. Do you own an automobile? Yes ___ No ___

8 Make N/A. Year N/A. Model N/A.

9 Is it financed? Yes ___ No X If so, Total due: \$ N/A.

10 Monthly Payment: \$ N/A.

11 7. Do you have a bank account? Yes ___ No ___ (Do not include account numbers.)
12 N/A. UNKN. SMALL AMOUNT (ENDORSED)

13 Name(s) and address(es) of bank: 125 So. Market St. San Jose, Calif. 95113

14 BANK OF AMERICA Branch

15 Present balance(s): \$ _____

16 Do you own any cash? Yes ___ No ___ Amount: \$ _____

17 Do you have any other assets? (If "yes," provide a description of each asset and its estimated
18 market value.) Yes ___ No ___

19 8. What are your monthly expenses?

20 Rent: \$ N/A. Utilities: N/A.

21 Food: \$ N/A. Clothing: N/A.

22 Charge Accounts:

23 Name of Account Monthly Payment Total Owed on This Acct.

24 N/A. \$ N/A. \$ N/A.

25 \$ _____ \$ _____

26 \$ _____ \$ _____

27 9. Do you have any other debts? (List current obligations, indicating amounts and to whom

28 they are payable. Do not include account numbers.)

Please list the case name(s) and number(s) of the prior lawsuit(s), and the name of the court in which they were filed.

I declare under the penalty of perjury that the foregoing is true and correct and understand that a false statement herein may result in the dismissal of my claims.

SIGNATURE OF APPLICANT

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NOTO TO THE CLERK/COURT - AS USUAL (they) ARE, ALWAYS PUTTING STUMBLING
 BLOCKS IN MY WAY, THEREFORE SINCE I AM COMPLETELY INDIGENT, I CAN NOT
 OBTAIN THE CORRECT AMOUNT OF NEEDED PHOTO COPIES. I HAVE, ABSOL-
 UTELY, NO CHOICE, BUT TO TRY TO SEND WHAT IS AVAILABLE TO ME. --- THANK YOU
 (04-15-08)

SUPPOSEDLY, ALL-
 READY ON FILE,
 HERE-IN

ORIG.
 TO COURT

COPIES
 DENIED
 (07-14-08)

ORIG. Re.: THOMAS VS. WALKER, WARDEN OF CSP.
 CAL. U.S. DIST. CT. CIN-04:08-CV-1778-SBA

HERE-IN Cause - 04:28-2254 ? Pet
 SUPPLEMENT

UNITED STATES DISTRICT COURT
 FOR THE NORTHERN DISTRICT OF CALIFORNIA

INSTRUCTIONS FOR FILING A PETITION FOR A WRIT OF HABEAS CORPUS
 BY A PERSON IN STATE CUSTODY UNDER 28 U.S.C. §§ 2254

ATTN.: CLERK OF THE COURT PART OF - (Pg 1st Financial Status -
 IS HERE-IN CONTAINED, PLUS THIS IS A MORE COMPREHENSIVE
 PREPARED PETITION THAN THE ONE(S) ALREADY ON FILE)

I. Scope of 28 U.S.C. §§ 2254
 You may file a petition for a writ of habeas corpus under 28 U.S.C. §§ 2254 if you are in custody pursuant to the judgment of a state court in violation of the federal Constitution or federal laws. You may challenge either the fact or duration of your state sentence; however, any challenge to violations of the federal Constitution or federal law that affects the conditions, as opposed to the fact or duration, of your confinement should be brought in a civil rights complaint under 42 U.S.C. §§ 1983. If you want to file a civil rights complaint under 42 U.S.C. §§ 1983, you may do so on forms provided by the clerk of the court.

Note that a petition for a writ of habeas corpus under 28 U.S.C. §§ 2254 will not be granted unless it appears that you have exhausted the remedies available in state court.

II. Filing a Petition

To start a habeas action, you must send the court the following items: (1) an original petition and (2) a check or money order for \$5.00 or an original Prisoner's Application to Proceed In Forma Pauperis. In addition to these instructions, this packet includes a petition for a writ of habeas corpus form and an Application to Proceed In Forma Pauperis. You must use the forms provided with this packet and not any other version. You should keep a copy of the petition and in forma pauperis application for your own records.

When you have completed the forms, mail the originals to Clerk of the United States District Court for the Northern District of California, 450 Golden Gate Avenue, Box 36060, San Francisco, CA 94102.

NOTE: If you previously filed a petition for a writ of habeas corpus in federal court that challenged the same conviction you are challenging now and if that petition was denied or dismissed with prejudice, you must first file a motion in the United States Court of Appeals for the Ninth Circuit for an order authorizing the district court to consider this petition. You may not file a second or subsequent federal habeas petition without first obtaining such an order from the Ninth Circuit. 28 U.S.C. §§ 2244(b).

III. Filing Fees

In order for the petition to be filed, it must be accompanied by the filing fee of \$5.00. If you are unable to pay the filing fee, you may petition the court to proceed in forma pauperis. A Prisoner's Application to Proceed In Forma Pauperis form for this purpose is included in this packet. You must complete the application, sign it and declare under penalty of perjury that the facts stated therein are correct. File the application with your petition and keep a copy for your records.

IV. Petition Form

Your petition must be legibly handwritten or typewritten, and you must sign it and declare under penalty of perjury that the facts stated in it are correct. Read the entire petition form before answering any questions. You will note that brief explanatory comments appear throughout the form. Read these carefully before you answer the questions because they are intended to help you fill out the petition as well as ensure that you file your petition in the proper court.

(P.D.)